UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION 3:22-cv-00099-MR

WALTER T. GAUSE,)
Plaintiff,)
vs.))) <u>ORDER</u>
RONALD COVINGTON,)
Defendant.))

THIS MATTER is before the Court on Plaintiff's "Motion: to Voluntary Dismiss 'Without prejudice' Compliant [*sic*] pursuant fed. R. civ proc. R - 41(a)(1)," [Doc. 49], which the Court construes as a motion to dismiss pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure.

Pro se Plaintiff Walter T. Gause ("Plaintiff") is a prisoner of the State of North Carolina currently incarcerated at Dan River Prison Work Farm in Blanch, North Carolina. Plaintiff filed this action on March 10, 2022, pursuant to 42 U.S.C. § 1983, alleging various constitutional violations based on events occurring at Scotland Correctional Institution in Laurinburg, North Carolina. [Doc. 1]. Plaintiff's First Amendment retaliation claim against Defendant Ronald Covington passed initial review in accordance with the Court's Order. [Doc. 12]. Plaintiff's remaining claims and the remaining

Defendants were dismissed. [Id. at 12]. Defendant Covington answered Plaintiff's Complaint. [Doc. 31]. The dispositive motions deadline is June 20, 2023. [Doc. 32].

Plaintiff now moves the Court to dismiss Plaintiff's Complaint without prejudice pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure. [See Doc. 49]. Plaintiff states that he is unable to litigate his claim "due to inadequacy and insufficient of legal knowledge to protect claim" and "due to hardship" from proceeding without an attorney and a law library. [Id. at 1-2]. The Court will grant Plaintiff's motion to dismiss without prejudice under these circumstances. Fed. R. Civ. P. 41(a)(2).

ORDER

IT IS THEREFORE ORDERED that Plaintiff's motion to voluntarily dismiss his Complaint [Doc. 49] is **GRANTED** without prejudice.

The Clerk is respectfully instructed to terminate this action.

IT IS SO ORDERED.

Signed: May 17, 2023

Martin Reidinger

Chief United States District Judge